



January 25, 2019

Lisa Fernandez
KTVU Channel 2
2 Jack London Square
Oakland, CA 94607
(510) 874-0139
lisa.fernandez@foxtv.com

Re: Public Records Request

Dear Ms. Fernandez:

I am in receipt of your Public Records Act request received on January 1, 2019. This request was updated on January 7, 2019. The department provided you with extension notice dated January 14, 2019. Please find the following responses to your request:

Request #1: *The names and reports of officers involved in police or deputy misconduct, soon to be made public as a result of SB 1421. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Please include video related to the incident.*

SJPD Response #1: Please find the attached existing record that contains a list of Officer-Involved Shootings for time period 2009-2019. This record is titled:

- Attachment 1_SJPD OIS 2009-YTD 2019

The Department is still in the process of collecting and reviewing records responsive to the remainder of your request. An update will be provided to you no later than February 25, 2019.

Request #2: *As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Please include related video.*

KTVU is asking for Part 1 of our request as soon as possible, which we are seeking before a release of Part 2, as we anticipate the latter request will take longer. We are filing this request in anticipation of SB 1421 becoming law on Jan. 1, 2019, when these records must become public. The 10-day period can start then.

We are seeking:

- Records relating to the report, investigation, or findings of an incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
- Records relating to the report, investigation or findings of an incident in which the use of force by a peace officer or custodial officer against a person results in death or great bodily injury.

- *Records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public*
- *Records relating to an incident in which a sustained finding of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction of evidence or falsifying or concealing of evidence.*

SJPD Response #2: Please refer to Response #1

Updated Request dated January 7, 2019: *If it's not too trouble to amend my original request, can you also please:*

- Provide how many complaints from the public about police misconduct regarding the items covered in SB 1421 have you gotten in this time period. (Back to Jan. 1, 2017 first, and then back to Jan. 1, 2014)*
- Provide how many department-initiated internal affairs investigations regarding items covered in SB 1421 have you conducted in this time period?*
- Provide how many claims and lawsuits have you received and settled regarding the items covered in SB 1421 in the same time period?*

SJPD Response to update request:

- The Department is still in the process of collecting and reviewing records responsive to this request. An update will be provided to you no later than February 25, 2019.
- The Department is still in the process of collecting and reviewing records responsive to this request. An update will be provided to you no later than February 25, 2019. The department produces an annual Internal Affairs report on Department Initiated Investigations (DII) to the City Council. This report does not specifically identify SB 1421 incident types, but contains related information. Please let me know if you would like copies of these reports.
- The Department does not have records responsive to this request.

As you may be aware, there is litigation occurring throughout the state to block the release of records pertaining to incidents that occurred prior to January 1, 2019. While we are continuing to collect and review records that may be responsive to your request, we are also monitoring the litigation and its outcome may affect whether certain documents are ultimately released.

For questions regarding this response, please contact Veronica Morales, Office of the Chief Research and Development Unit at (408) 537-1657 or veronica.morales@sanjoseca.gov. If you would like to appeal this response, please submit your appeal to:

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RE: Public Records Request

January 25, 2019

Page 3

Open Government Manager
City of San Jose, Office of the City Manager
200 East Santa Clara Street
San Jose, CA 95113
PublicRecordsRequest@sanjoseca.gov

Or City of San Jose, Office of the City Clerk
200 East Santa Clara Street
San Jose, CA 95113
cityclerk@sanjoseca.gov

Sincerely,

Edgardo Garcia
Chief of Police

By Veronica Morales
Research and Development Unit

EG:VM
Attachments (1)